

REMARKS

By this Amendment the abstract and the specification have been amended to better conform with U.S. practice, claims 1 and 19 have been amended to overcome the examiner's rejections under 35 U.S.C. § 112, claims 2, 3, 6, 8-10, 16, 19, 21 and 22 have been amended to better conform with U.S. practice, and new claims 31 and 32 have been added to alternatively define the invention. Entry is order.

In the outstanding Office Action the examiner has rejected claims 1-4, 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by LoBiondo et al. The inventors assert that this rejection must be withdrawn.

LoBiondo et al. describe a consumable supplies monitoring/ordering system for reprographic equipment, e.g., for an ink jet printer. The consumable supplies which are administered in the system are, e.g., toners, inks and paper sheets for a plurality of such printers communicating via an inventory tracking system. If at least one of the consumable materials reaches a projected reordering point, information is given via a user interface. An operator can then send his orders to a remote order site. That means the system of Lobiondo et al. is only based on quantity information of the needed consumable supplies.

Such a system as described in LoBiondo et al. will not be sufficient for analyzers or analyzing systems in the medical, environmental or food technology fields because for at least some of the required supplies (e.g., calibrating and quality control media of the analyzer) not only quantity information is important, but also particulars with respect to their types

and expiry data (step (a) of claim 1). Further, also operating materials (such as electrochemical or optochemical sensors of the analyzer) are recorded with respect of their maximum useful life in step (a) of claim 1.

As described in the present application (page 4, last paragraph), automatic recordation of data after insertion of new sensor cartridges or other supplies is effected by means of a bar code reader or a transponder system, where a memory chip is provided on or in each sensor cartridge or each supply tank. The memory chip, for instance at the container for the calibrating or quality control media, can be used for storing the current filling level (see also bar code reader 5 and transponder 6 of container 4 or BG and EL modules of inventive variant in Fig. 1)

There is no hint or any suggestion in LoBiondo et al. for automatic recording maximum useful life of hardware components of the printer or of recording expiry data of any supplies or operating materials.

With respect to step (b) of claim 1 of the present application, it will be sufficient to enter the desired frequency of analysis once by an operator (for initializing a new analyzing system), then the frequency of analysis can be calculated automatically by the analyzer based on data collected in previous periods of use (see paragraph bridging pages 4 and 5). LoBiondo et al. does not show a step of calculating a frequency of analysis.

Further, also step (c) of claim 1 is not disclosed in LoBiondo, as the calculation therein is only based on quantity data (see Fig. 1, e.g.

counters 24 for determining number of paper sheets remaining). The calculation in the inventive system is also based on expiry dates of supplies and on maximum useful life of, e.g., sensors and so on. That means even if the calculated quantity of, e.g., a calibrating solution will be sufficient, the expiry date could be lapsed and thus will cause an automated ordering procedure according step (e) of claim 1.

The examiner's rejection based on LoBiondo et al. must be withdrawn.

The examiner has rejected claims 5-18 and 21-30 under 35 U.S.C. § 103(a) as being unpatentable over LoBiondo et al. in view of Sano et al.

Sano et al. disclose a liquid sample automatic analyzer having a test strip handling device and a control unit to control the handling of the test strips. Sano et al. does not disclose automatic recording of type and maximum useful life of operating materials used, and of types, expiry dates and quantities of the required supplies (see step (a) of claim 1). Also steps (b) to (d) are not disclosed and there is no hint of automated ordering of the operating materials and/or supplies via a device for remote data transmission.

No combination of LoBiondo et al. and Sano et al. would suggest the claimed invention.

Favorable reevaluation is requested.

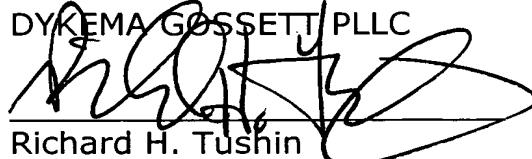
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Amdt. Dated Feb. 7, 05
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The additional claims fee of \$400.00 (2 additional independent claims over 3) should be charged to Deposit Account No. 04-2223.

Respectfully submitted,

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